



ASSIGNMENT

Prepare a **one-page** 'brief' of the case *Lovelace v. Canada*, the text of which was handed out in class.

Deadline: 21 September 2004, to be turned in at the beginning of class

The brief should be no more than one page (one page and one word is too much). Standard margins, font, and typeface should be used. It may be single-spaced and formatted to make the information easily presentable.

A brief is a legal tool. Students and lawyers understand the law by reading opinions of judicial and, in international law, quasi-judicial or even non-judicial bodies. A case brief is a summary of such an opinion.

A complete case brief includes all that is relevant to the court's decision. In order to understand it, however, you must read and understand every word in a case. Thus, you should use either a standard dictionary or a legal dictionary to look up any words you do not understand. Otherwise, you will be unable to understand exactly what the case is deciding. Furthermore, because cases can be confusing to read, do not expect to understand every case completely the first (or even the second) time you read it. Still, you should try to track the court's reasoning as thoroughly as possible in the case brief.

This assignment may take you a couple of hours, but after reading more international law cases you will find you can brief a case within minutes and even that as you read a case, you brief it in your head. Thus, the purpose of this exercise is to train your method of reading and understanding cases.

The brief should have the following headings:

Case Name and Citation

Parties to the Case—in international law, the parties are not always referred to as the plaintiff and the defendant, but there is still the individual, group, or state initiating the case and the state defending it.

Basic Facts—what are the facts that are the basis of the case? What is the allegation that is the basis of the case and what is the government position in response?

Procedural History—how the case has proceeded through various legal systems. For treaty bodies, at what stage of the case the decision was made (admissibility or merits).

Issue—what is the precise legal question the 'court' has been asked to resolve?

Rights—what rights are involved

Holding—what the court decided on the question it was asked?

Reasoning—why the 'court' ruled as it did, according to the analysis of the 'court'?

Rule of Law—the legal principle for which the case stands

Decision—which party prevailed and what relief was granted?

Validity—what is the nature of the decision, is it binding and, if so, for whom?

Comments—anything in the case you would like to make note of for future reference